

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

May 20, 2002

RESPONSIBLE STAFF:

Jennifer Russel

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	1/7/02
Advertised	1/16/02
	1/25/02
	1/30/02
	2/6/02
Hearing Date	3/18/02
Record Held Open	3/28/02
Policy Discussion	

TITLE:

Resolution of the Mayor and City Council Authorizing the Annexation to the City of Gaithersburg of 4.19 Acres of Land Known as the Crown Property at the Intersection of Story Drive and Crown Farm Drive

SUPPORTING BACKGROUND:

This is the resolution authorizing the annexation of the Crown Farm Property Case No. X-180. The City of Gaithersburg is the applicant, having purchased the property with the assistance of State Program Open Space Funds. The request for annexation is for a 4.19-acre parcel of land located at Story Drive and Crown Farm Drive.

The annexation petition requests rezoning of the property that is presently zoned R-200 (Single-Family Residential) Zone in Montgomery County to the City's R-A (Low-density Residential) Zone. The City intends to record a covenant on the land that will limit its use to open space.

On February 6, 2002 the Planning Commission held their public hearing on the X-180 annexation request. The Planning Commission, at their February 20, 2002 meeting closed the record and forwarded a recommendation of approval to the Mayor and City Council for X-180. The Montgomery County Planning Board recommended approval of the annexation petition at their March 7, 2002 meeting, noting that it did not require County Council review. The Mayor and Council held their public hearing on March 18, 2002 and held the record open for 10 days, during which time no additions to the record were received.

Since the time of the public hearing staff has drafted a covenant to be recorded on the land, which will limit its use in the future, in response to concerns raised by the adjacent community. This action underscores the City's original intent in purchasing the property via Program Open Space funds.

Attached: Resolution

DESIRED OUTCOME:

Adopt Authorizing Resolution

RESOLUTION No. _____

RESOLUTION AUTHORIZING THE ANNEXATION TO
THE CITY OF GAITHERSBURG OF 4.19 ACRES OF LAND,
KNOWN AS THE CROWN PROPERTY, AT THE
INTERSECTION OF STORY DRIVE AND CROWN FARM DRIVE

ANNEXATION X-180

WHEREAS, the Mayor and City Council of the City of Gaithersburg have received a petition requesting the enlargement of the corporate boundaries of the City of Gaithersburg so as to include the above-noted property; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five (25%) of the persons who reside in the area to be annexed and who are registered as voters in County elections in the precincts in which the territory to be annexed is located; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the corporate boundaries of the City of Gaithersburg be, and they hereby are enlarged by including therein the following area:

DESCRIPTION OF PROPERTY
PORTION OF THE CROWN ESTATE

PARCEL D

Beginning at a point on the northerly right-of-way line of Crown Farm Drive (formerly Fields Road) as shown on Plat No. 6, Right-of-Way Plat, Sam Eig Highway (Montgomery County Department of Transportation RW Plat File No. 258) said point being 39.06 feet left of Baseline Station 10+57.32 for Fields Road and running thence with said right-of-way line, as now surveyed and shown on a boundary survey entitled "Crown Estate," dated December 16, 1991 (File No. BS-354B), prepared by Dewberry & Davis, Architects - Engineers - Planners - Surveyors, 804 West Diamond Avenue, Gaithersburg, Maryland, to which reference is hereby made

1. North 48° 48' 00" West, 53.19 feet; thence
2. South 73° 34' 12" West, 5.00 feet to a point 27.589 feet right of Baseline Station 14+00 for Story Drive as shown on said plat and running thence with the easterly right-of-way line of Story Drive as shown on plat

of subdivision entitled "Shady Grove Village" recorded in Plat Book 86 Plat 9069

3. North 08° 58' 00" West, 675.50 feet; thence running with the southerly line of Shady Grove Village Condominium, recorded among the Condominium Plats of Montgomery County, Maryland as Plats #174 - #185

4. North 74° 32' 44" East, 230.01 feet to the northwest corner of Parcel A as shown on a plat of subdivision entitled, "Plat Two, Washingtonian Village" recorded in Plat Book 112 Plat 13125 and running thence with the westerly line thereof and also with the westerly line of "Plat One, Washingtonian Village" recorded in Plat Book 112 Plat 13124.

5. South 12° 10' 10" East, 759.00 feet to a point on the northerly right-of-way of Crown Farm Drive (formerly Fields Road) as previously mentioned and running thence with said right-of-way line

6. South 85° 00' 40" West, 223.48 feet to the point of beginning, containing 182,893 square feet or 4.1987 acres of land, subject to conditions of record.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg that this Resolution incorporating the recitals first stated above, shall become effective forty-five (45) days following its adoption, unless a prompt petition for referendum thereon shall be filed as permitted by law, and provided further that the notice required by law shall be published not fewer than four (4) times, at not less than weekly intervals, in The Gaithersburg Gazette, a newspaper of general circulation in the City of Gaithersburg.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that promptly after this resolution shall become effective, the City Manager shall send copies of said Resolution to the following:

Number of Copies	Agency
1	Department of Legislative Reference
1	Clerk of the Circuit Court for Montgomery County
1	Supervisor of Assessments and Taxation for Montgomery County
1	Maryland-National Capital Park & Planning Commission

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of Gaithersburg, that the property described above and persons residing therein, if any, shall after the effective date of this Resolution, be subject to all of the Charter laws, ordinances and resolutions of the City of Gaithersburg, Maryland.

ADOPTED by the City Council this _____ day of _____, 2002.

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the _____ day of _____, 2002.

David B. Humpton, City Manager